

Prisons (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.

1. Short title.
2. Interpretation of terms.

General Prisons Board.

3. Establishment of General Prisons Board.
 4. Quorum of board.
 5. Appointment of officers.
 6. Salaries.
 7. Abolition of office of inspector general and director of convict prisons.
 8. Supersession of inspector general of prisons and director of convict prisons.
 9. Transfer to General Prisons Board of powers of inspectors general of prisons, directors of convict prisons, &c.
 10. Transfer of business to General Prisons Board.
 11. New establishment to be formed from old.
 12. Members of General Prisons Board to be justices of the peace.
 13. Board empowered to contract for diet, clothing, &c. for ordinary prisons.
 14. Powers of board and inspectors with respect to requiring attendance of persons, &c.
 15. Salaries, &c. to be paid out of moneys provided by Parliament.
 16. Expenses of board to be paid out of moneys voted by Parliament.
 17. General Prisons Board to make rules.
 18. Power to General Prisons Board to make rules with respect to ordinary and convict prisons.
 19. Board to make annual report.
- [Bill 197.]

*Transfer and Management of Property.**Clauses.*

20. Transfer of property of inspectors general of convict prisons to General Prisons Board.
21. Transfer of ordinary prisons.
22. Continuance of officers of ordinary prisons.
23. Power to General Prisons Board to transfer officers and servants.
24. Appointments and contracts after 15th June 1876 temporary.
25. Appointment, tenure, and salary of officers.
26. Removal of officers of ordinary prisons from apartments.
27. Amendment of 14 & 15 Vict. c. 85. s. 4. as to payment of expenses incurred in conveying prisoners, &c.
28. Grand juries and boards of superintendence to discharge duties, &c. until 1st April 1877. General saving of rights of creditors.
29. Provision as to continuing contracts.
30. Control of Treasury as to works of maintenance, &c.

Power to alter Condition of Prisons and to close Prisons.

31. Power to Lord Lieutenant and Privy Council to alter legal condition of ordinary prisons.
32. Disposal of ordinary prison where such prison is closed.

Alteration of Staff in ordinary Prisons.

33. Alteration of staff of ordinary prison in certain cases.

Superannuation of persons in office in ordinary Prisons immediately before the first day of April one thousand eight hundred and seventy-seven.

34. Discontinuance of prisons and abolition of office within a year after 1st April 1877.
35. Superannuation of officers and abolition of office after a year.
36. Provision for payment of superannuation or gratuity.

Improvement of Prisons.—New Prisons.

37. Power to improve prisons and build new ones.

Constabulary Lock-up Houses.

38. Lock-ups in petty sessions districts.

Removal of Prisoners.

Classes.

39. Removal of prisoners from one prison to another.
40. Power to remove military prisoners.
41. Jurisdiction over prison.
42. Custody of prisoners.
43. Description of prison in writ.
44. Removal of prisoners for trial.
45. Nothing to interfere with removal by court of law.

Discharge of Prisoners.

46. When term of imprisonment expires on Sunday, prisoner to be discharged on preceding day.
47. Power to Chief Secretary to grant certificates to Prisoners Aid Societies, and to revoke or suspend the same.
48. Allowance to discharged prisoner.
49. Discharged prisoners provided with means of returning to place of settlement.

Miscellaneous.

50. Visiting committees.
51. Duties of visiting committee.
52. Employment of prisoners sentenced to imprisonment without hard labour.
53. Division of prisoners in ordinary prison.
54. Conditions of pensions.
55. Saving as to commissions.

A

B I L L

TO

Alter and amend the Law relating to Prisons in Ireland.

A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5

Preliminary.

1. This Act may be cited for all purposes as "The General Prisons (Ireland) Act, 1876."

2. In this Act,

10

The term "Lord Lieutenant" shall mean the Lord Lieutenant of Ireland, or other chief governor or governors of Ireland for the time being:

Interpretation of terms.
"Lord Lieutenant."

The term "Privy Council" shall mean Her Majesty's Privy Council in Ireland:

"Privy Council."

15

The terms "Chief Secretary" and "Under Secretary" shall mean respectively the Chief Secretary and Under Secretary to the Lord Lieutenant of Ireland:

"Chief Secretary" and "Under Secretary."

The term "county" shall extend to and include county of a city, county of a town, city and county, city, and town:

"County."

20

The term "grand jury" shall, as regards any borough, the town council of which is authorised to make presentments for the prisons thereof, be held to include such council:

"Grand jury."

25

The term "treasurer of the county" shall include any person or persons or bank in any county performing duties analogous to those of the "treasurer of the county" in counties, and in the application of this Act to the county of Dublin, it shall mean the finance committee:

"Treasurer of the county."

[Bill 187.]

A

A.D. 1876.	The term "secretary to the grand jury" shall, as regards any borough the town council of which is authorised to make presentments for the prisons thereof, be held to include the town clerk :	
"Secretary to the grand jury."		
"Prisons Acts."	The term "Prisons Acts" shall mean an Act passed in the session of Parliament held in the seventh year of the reign of King George the Fourth, intituled "An Act for consolidating and amending the Laws relating to Prisons in Ireland," and the Acts altering, amending, or affecting the same :	5
"Ordinary prison."	The term "ordinary prison" shall mean any gaol, district bridewell, bridewell, and prison under the Prisons Acts :	10
"Convict Prisons Acts."	The term "Convict Prisons Acts" shall mean an Act passed in the seventeenth and eighteenth years of the reign of Her present Majesty, intituled "An Act for the formation, regulation, and government of Convict Prisons in Ireland," and the Acts altering, amending, or affecting the same :	15
"Convict prison."	The term "convict prison" shall mean any prison under the control and management of the directors of convict prisons for Ireland under the Convict Prisons Acts :	
"Convict."	The term "convict" shall mean any person under sentence of penal servitude :	20
"Prison."	The term "prison" shall include convict prison and ordinary prison :	
"Property."	The term "property" shall include things in action and rights of action :	
"Lands Clauses Act."	The term "Lands Clauses Acts" shall mean the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Acts Amendment Act, 1860; the Railways Act (Ireland), 1851; the Railways Act (Ireland), 1860; the Railways Act (Ireland), 1864, and the Railway Traverses Act.	25

General Prisons Board.

30

Establishment of General Prisons Board.	3. A board shall be established to be called "the General Prisons Board for Ireland" (in this Act referred to as "the General Prisons Board,") and such board shall consist of a chairman, a vice-chairman, and not more than two other members, to be appointed by the Lord Lieutenant by warrant, and to hold office during the pleasure of the Lord Lieutenant, and such board shall, subject to such directions as they may from time to time receive from the Lord Lieutenant and to the provisions of this Act, have the control and management of all ordinary and convict prisons and of all prisoners and convicts confined therein.	35
	The members of the said board so appointed, and their successors,	40

shall, by the name of "the General Prisons Board for Ireland," be a body corporate with a common seal, and with power to acquire and hold land without license in mortmain so far as may be necessary for the purposes of this Act.

A.D. 1876.

- 5 The General Prisons Board shall be deemed to be established from and after the date of the first appointment of the chairman of the same under this Act, which period is in this Act referred to as the "commencement of this Act," and, except where otherwise expressly provided, the provisions of this Act shall from and after
10 such period come into operation and have effect.

No act or proceeding of the General Prisons Board shall be invalidated or be illegal in consequence only of there being any vacancy on such board at the time of such act or proceeding.

4. Except where otherwise expressly provided by this Act or by
15 any regulations made in pursuance thereof, any powers, jurisdiction, authority, or duty by this Act transferred to, vested in, exercisable by, or imposed upon the General Prisons Board, may be exercised and discharged by any two members of such board, of whom one shall be the chairman, or in his absence the vice-chairman.

Quorum of board.

5. The Lord Lieutenant may, from time to time, with the
20 approval of the Commissioners of Her Majesty's Treasury, appoint such inspectors, officers, clerks, and servants as he may deem necessary for the purpose of assisting the General Prisons Board in the performance of their duties under this Act, and the Lord
25 Lieutenant may from time to time remove such inspectors, officers, clerks, and servants as and when he shall think fit.

Appoint-ment of officers.

6. The Lord Lieutenant may, with the approval of the Com-
missioners of Her Majesty's Treasury, fix the salaries to be paid to the chairman, vice-chairman, and members of the General Prisons
30 Board, and to the inspectors, officers, clerks, and servants appointed under this Act respectively.

Salaries.

7. From and after the commencement of this Act the offices
following, that is to say :—
Of inspector general of prisons under the Prisons Act ;
35 Of director of convict prisons under the Convict Prisons Act ;
Of inspector of reformatory and industrial schools under the Irish Reformatory Schools Act, 1868, and the Industrial
Schools Act (Ireland) 1868 ; and
Of registrar of criminals under the Prevention of Crimes Act,
40 1872,
shall be and the same are hereby abolished, and the persons at such time holding such offices shall cease to hold the same respectively.

Abolition of office of inspector general and director of convict prisons.

[197.]

A 2

A.D. 1876.

Superannuation of Inspector general of prisons and director of convict prisons.

8. In case any person who immediately before the commencement of this Act shall hold the office of inspector general of prisons or director of convict prisons shall be appointed chairman, vice-chairman, or member of the General Prisons Board, such person shall be entitled, on his retirement, in estimating the length of his service as such chairman, vice-chairman, or member, to take into account the number of years service in such office of inspector general or director of convict prisons to which at the time of his appointment under this Act he was entitled for the purpose of superannuation, and in case any such person shall not be appointed chairman, vice-chairman, or member of the General Prisons Board, or shall refuse such office of chairman, vice-chairman, or member if tendered to him, *he shall be entitled to such superannuation allowance or compensation as the Commissioners of the Treasury shall fix and determine, and as may be granted under the provisions of the Superannuation Act, 1859, to a person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs.*

Transfer to General Prisons Board of powers of inspectors general of prisons, directors of convict prisons, &c.

9. *From and after the commencement of this Act* all powers, jurisdictions, authorities, and duties, at such time vested in or imposed upon the inspectors general of prisons under the Prisons Acts, the directors of convict prisons, under the Convict Prison Acts, the inspector of reformatories and industrial schools, under the Irish Reformatory Schools Act, 1868, and the Industrial Schools Act (Ireland), 1868, and the registrar of criminals under the Prevention of Crimes Act, 1872, shall be transferred to, vested in, exercisable by, and imposed upon the said General Prisons Board, and the same shall be exercised and performed by such board or such member or members of the same and in such manner as may be prescribed by this Act or by regulations made in pursuance of this Act, and in the absence of express provisions, and until the making of such regulations, in like manner and subject to the same conditions as near as may be as the same might before the commencement of this Act have been exercised and performed by the said inspectors general of prisons, directors of convict prisons, inspector of reformatories and industrial schools, and registrar of criminals, or as near thereto as circumstances will admit.

Transfer of business to General Prisons Board.

10. *From and after the commencement of this Act* all the business which previously to such time was performed and transacted in the office of the inspectors general of prisons, of the directors of convict prisons, of the inspector of reformatories and industrial schools, and of the registrar of criminals, shall be performed and transacted in the office of the General Prisons Board.

11. Whereas it is expedient that the new establishment of the General Prisons Board should in the first instance consist of persons who, immediately before the commencement of this Act, were employed in various capacities in the office of the inspectors general of prisons, of the directors of convict prisons, of the inspector of reformatory and industrial schools, and of the registrar of criminals; therefore the establishment of the General Prisons Board shall be at first formed out of the establishments of the said offices in such manner as the Lord Lieutenant may direct and the Commissioners of Her Majesty's Treasury may approve; and no fresh appointment to such establishment shall be made so long as the duties can be provided for by the recall to active service of any person who may be or may hereafter be placed on the compensation list, and it shall be lawful for the Lord Lieutenant, with the consent in each case of the Commissioners of Her Majesty's Treasury, to tender to such persons, according to their respective duties and seniorities at such time, if he shall deem them competent for the permanent discharge of such duties, the option of accepting positions involving the same or similar duties respectively in the office of the General Prisons Board.

A.D. 1876.

New establishment to be formed from old.

- Any such person who shall decline to accept the position tendered to him as aforesaid shall, if in a competent state of health for the discharge of the duties of such position, and if under sixty years of age, be deemed to have resigned his office, and shall not be entitled to the grant of any superannuation allowance or compensation, and any such person to whom no such position shall be tendered shall be deemed to have retired on abolition of office and shall be entitled to such superannuation allowance or compensation as the Commissioners of Her Majesty's Treasury shall fix and determine, and as may be granted under the provisions of the Superannuation Act, 1859, to a person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs: Provided always, that any person appointed to any position in the office of the General Prisons Board as aforesaid shall be entitled to receive a salary not less than that which he enjoyed by virtue of his former position immediately before the commencement of this Act.

12. Every person appointed a member of the General Prisons Board shall, on his appointment to such office, forthwith take before any two justices of the peace the oaths required to be taken by justices of the peace in Ireland, and shall thereupon be and become without further qualification or appointment, and continue so long

Members of General Prisons Board to be justices of the peace, 6 & 7 W. 4. c. 12, s. 6.

[197.]

A 3

A.D. 1876.

Board
empowered
to contract
for diet,
clothing, &c.
for ordinary
prisons.

Powers of
board and
inspectors
with respect
to receiving
attendance
of persons,
&c.

as he shall hold the said office but no longer, a justice of the peace for every county in Ireland.

13. The General Prisons Board shall have power to make contracts with any persons whomsoever for the clothing, diet, and other necessaries for the maintenance and support of the prisoners and convicts confined in ordinary prisons and convict prisons, and for the implements and materials for any kind of manufacture, trade or works in which prisoners confined in such prisons shall be employed, and shall also have power to carry on such manufacture, trade, or works in such prisons, and also to carry on any works in any place outside such prisons where the Lord Lieutenant by and with the advice of the Privy Council shall direct, and to sell such goods, wares, and merchandise as shall be there wrought or manufactured, and the proceeds of all such manufactures and goods, wares, and merchandise, shall be paid over to the Exchequer in such manner as the Commissioners of Her Majesty's Treasury may direct.

14. Any member of the General Prisons Board and also any inspector appointed under this Act may by summons under his hand require the attendance of all such persons as he shall think fit to call before him, upon any matter connected with the execution of this Act, at such time and place as shall be set forth in such summons, and may make inquiry and require returns, and may administer oaths and examine all such persons on oath, and may require and enforce the production upon oath of such books, contracts, agreements, accounts, and other documents in anywise relating to any such matter: Provided always, that no person shall be required, in obedience to any such summons, to go more than twenty statute miles from the place of his abode: Provided also, that nothing herein contained shall empower any member of the General Prisons Board or any inspector to require the production of the title or any papers or deeds relating to the title of any lands, tenements, or hereditaments not being property vested in the General Prisons Board.

Every person who upon any examination under the authority of this Act shall wilfully give false evidence, or wilfully make or substitute a false declaration shall be guilty of perjury; and every person who shall refuse or wilfully neglect to act in obedience to any summons of the General Prisons Board, or of any inspector, or to give evidence, or who shall wilfully alter, suppress, conceal, destroy, or refuse to produce any books, contracts, agreements, accounts, or other documents which may be required to be produced for the purposes of this Act to any person authorised by this Act to require the production thereof, shall be deemed guilty of a misdemeanour.

15. Except as by this Act expressly provided, all salaries, superannuation allowances, and compensations payable under this Act shall be paid out of moneys provided by Parliament for such purposes.

A.D. 1876.

Salaries, &c. to be paid out of moneys provided by Parliament.

Expenses of board to be paid out of moneys voted by Parliament.

16. The General Prisons Board shall defray the expenses incurred in the performance of the various duties and functions hereby committed to them out of such moneys as may be provided by Parliament for such purposes respectively, and shall render accounts for such expenditure to the comptroller general of the receipt and issue of Her Majesty's Exchequer and auditor general of public accounts, in such manner and at such periods as the Commissioners of Her Majesty's Treasury may direct.

17. The General Prisons Board may make regulations, and may alter or revoke any such regulations when made, and may make other regulations in lieu thereof, for all or any of the purposes following:

General Prisons Board to make rules.

(1.) For the discharge by, and the distribution among the members of the General Prisons Board of the duties by this Act transferred to, and imposed on the said Board:

(a.) With respect to convict prisons and the execution of the Convict Prisons Acts relating thereto;

(b.) With respect to ordinary prisons and the execution of the Prisons Acts relating thereto;

(c.) With respect to the inspection of reformatories and industrial schools in accordance with the Acts relating thereto; and

(d.) With respect to the registering of criminals in accordance with the Acts relating thereto:

(2.) For the discharge of the business transferred to the office of the General Prisons Board by this Act, and for the regulation of the officers and servants of the same;

(3.) For the due inspection of all ordinary and convict prisons in Ireland; and

(4.) Generally for all such other matters as may be necessary for the due exercise by the said General Prisons Board of the powers, authorities, and jurisdictions and the discharge of the duties by this Act transferred to and imposed upon the said board, and for the execution by the board of this Act.

Every such regulation shall be subject to the approval of the Lord Lieutenant and Privy Council in Ireland, and shall be of no force or effect until the same shall be so approved, and when so

A.D. 1878.

Power to
General
Prisons
Board to
make rules
with respect
to ordinary
and convict
prisons.

approved, and so long as the same shall continue in force, shall be of the same validity as if it had been enacted by this Act.

18. The General Prisons Board may from time to time after the commencement of this Act, by rules to be made in manner hereinafter prescribed, alter or repeal the byelaws or rules in force for the time being for the regulation of all ordinary and convict prisons and for the duties and conduct of the governors and other officers of the said prisons, and for the classification, diet, clothing, maintenance, employment, instruction, discipline, and correction of all prisoners and convicts therein and may repeal rules so made and may make new rules instead thereof; every such rule shall be subject to the approval of the Lord Lieutenant and Privy Council, and shall be of no force or effect until the same shall be so approved, and when so approved, and so long as the same shall continue in force, shall be of the same validity as if it had been enacted by this Act: Provided that no such rule shall have effect with respect to any ordinary prison before the first day of April one thousand eight hundred and seventy-seven: Provided also, that any rule made in manner aforesaid respecting matters relating to finance or to account shall, before receiving the approval of the Lord Lieutenant and Privy Council, be submitted to and approved by the Commissioners of Her Majesty's Treasury.

All such rules when approved in manner aforesaid shall be published in the Dublin Gazette, and a copy of the same shall be posted in some conspicuous place in every ordinary and convict prison to which the same relate.

Board to
make stated
report.

19. The General Prisons Board shall, on or before such day as the Lord Lieutenant may from time to time appoint in each year, make a report to the chief secretary upon such matters connected with the convict and ordinary prisons as the Lord Lieutenant may from time to time require; and every such report shall be laid before both Houses of Parliament within one calendar month next after the receipt thereof, if Parliament be then sitting, or if Parliament be then not sitting, within one calendar month after the then next meeting of Parliament.

Transfer and Management of Property.

Transfer of
property of
inspectors
general of
convict pri-
sons to Gen-
eral Prisons
Board.

20. From and after the commencement of this Act all property, real and personal, immediately before such commencement vested in, belonging to, and under the control of the inspectors general of prisons, the directors of convict prisons, the inspector of reformatories and industrial schools, and the registrar of criminals in such capacities respectively, shall be transferred to and vested in the General Prisons Board for the purposes of this Act, subject to all

charges, incumbrances, rights, or liabilities affecting the same, and the incorporation of directors of convict prisons for Ireland is hereby dissolved, and the General Prisons Board shall act in their stead.

A.D. 1876.

—

Transfer of
ordinary
prisons.

21. *On the first day of April one thousand eight hundred and*
 5 *seventy-seven* all the estate and interest of any grand jury, commissioners, board of superintendence, board, or trustees in any lands, buildings, tenements, or hereditaments used as or appertaining to any ordinary prison, and in any property real and personal belonging or in anywise appertaining to or appropriated to the use
 10 of any ordinary prison or belonging to or vested in such grand jury, commissioners, board of superintendence, board, or trustees in trust for prison purposes shall be transferred to and shall vest in the General Prisons Board for the purposes of this Act, subject to any quitrents, head rents, or rents payable in respect of the same, but
 15 absolutely freed and discharged from all debts, liabilities, or engagements affecting the same, and *from and after such first day of April one thousand eight hundred and seventy-seven* every grand jury and county is hereby relieved from all and every obligation to provide and maintain prisons and to provide for prisoners;
 20 and thenceforth all powers of every such grand jury with respect to the presentment of public moneys or the making of rates for such purposes as aforesaid shall, save as by this Act expressly provided, absolutely cease and determine.

- From and after the first day of April one thousand eight*
 25 *hundred and seventy-seven* all boards of superintendence of ordinary prisons shall cease to exist as such, and thereupon all powers, jurisdictions, authorities, and duties at such time vested in or imposed upon grand juries and boards of superintendence with respect to ordinary prisons or the maintenance thereof shall be
 30 transferred to, vested in, exercisable by, and imposed upon the General Prisons Board, and the same shall be exercised and performed by such Board, or such member or members of the same, and in such manner as may be prescribed by this Act or by regulations made in pursuance of this Act, and in the absence of express pro-
 35 visions, and until the making of such regulations, in like manner and subject to the same conditions, as near as may be, as the same might before the commencement of this Act have been exercised and performed by such grand juries and boards of superintendence respectively, or as near thereto as circumstances will admit.

- 40 22. *From and after the first day of April one thousand eight hundred and seventy-seven* all persons who immediately before such

Continuance
of officers of
ordinary
prisons.

[187.]

B

A.D. 1876. day were officers or servants in or of any ordinary prison shall become and be officers and servants of the General Prisons Board, and shall continue as such to receive salaries and emoluments not less than they enjoyed respectively previous to such first day of April, and to discharge in such ordinary prison or in any other ordinary prison, or in the office of the General Prisons Board in Dublin, to which they may respectively be transferred by order of the General Prisons Board, the same or similar duties to those previously discharged by them, and all such officers and servants shall hold their respective offices and situations during the pleasure of the Lord Lieutenant.

Power to
General Pri-
sons Board
to transfer
officers and
servants.

23. It shall be lawful for the General Prisons Board from time to time by order to transfer any officer or servant of any ordinary prison or of any convict prison to any other ordinary prison or any other convict prison, or to the office of the General Prisons Board in Dublin, and to, require such officer or servant to discharge in such other ordinary prison or convict prison, or in the office of the General Prisons Board in Dublin, the like duties or duties analogous to those previously discharged by him; and any such officer or servant refusing to be so transferred or to discharge such duties as aforesaid, shall be deemed to have resigned his office, and shall not be entitled to the grant of any superannuation allowance or compensation.

Appoint-
ments and
contracts
after 15th
June 1876
temporary.

24. Any appointment or contract made after the fifteenth day of June one thousand eight hundred and seventy-six by or on behalf of any grand jury or board of superintendence, to any office or service in, or with respect to, any ordinary prison, and any grant of or alteration in the rate of salary payable to any officer of any such ordinary prison made after such fifteenth day of June shall be temporary only, and shall continue in force only until the first day of April one thousand eight hundred and seventy-seven, but any person so appointed shall be eligible for reappointment.

Appoint-
ment, tenure,
and salary of
officers.

25. From and after the first day of April one thousand eight hundred and seventy-seven, every officer and servant of any ordinary prison shall be appointed by the General Prisons Board, subject to the approval of the Lord Lieutenant, and shall hold his office or situation during the pleasure of the Lord Lieutenant; and such officers and servants shall receive such salaries respectively as the General Prisons Board, with the approval of the Lord Lieutenant, and with the consent of the Commissioners of Her Majesty's

Treasury, shall appoint: Provided always, that no fresh appointment of officer or servant of any such ordinary prison shall be made so long as the duties can be provided for by the recall to active duties of any person who may have been placed on the compensation list, who was previously discharging the same or similar duties in an ordinary prison or a convict prison, and who is under sixty years of age; and any such person who shall when so recalled refuse to return to such active duties shall, if in a competent state of health for the discharge of such duties, forfeit his right to all compensation.

A.D. 1876.

26. Whenever any officer of any ordinary prison is suspended, removed from, or resigns his office, or departs this life, the officer so suspended, removed, or resigning, and his family, and the family of every such deceased officer, shall quit the possession of the house or apartments in which he or they have previously resided by virtue of such office when required so to do by notice in writing from the General Prisons Board; and if he or they refuse or neglect to give such possession forty-eight hours after such notice as aforesaid has been given to him or them, any two justices of the peace, upon proof made to them of such removal, resignation, or death, and of the service of such notice, and of such neglect or refusal to comply therewith may, by warrant under their hands and seals, direct any constable, within a period therein named, to enter by force, if necessary, into such premises, and deliver possession thereof to the General Prisons Board, or to any person appointed by them.

Removal of officers of ordinary prisons from apartments.
17 & 18 Vict.
c. 75, s. 9.

27. Whereas by section four of an Act passed in the session of the fourteenth and fifteenth years of the reign of Her present Majesty, chapter eighty-five, it was amongst other things enacted that in every case where any expenses should be actually incurred or should be proper to be incurred by any county inspector, sub-inspector, head or other constable, gaoler, bridewell keeper, or other person in conveying any prisoner to and from any gaol or other place as therein mentioned, or with respect to the several other purposes therein set forth, such expenses should in the first instance be paid in the manner thereby prescribed by the sub-inspectors of constabulary of counties, and that the accounts of all such expenses so incurred and paid should be transmitted in the manner thereby prescribed to the boards of superintendence of such counties in manner therein mentioned, and such boards of superintendence were thereby empowered and required to examine such accounts, and upon being satisfied of their reasonableness and accuracy, to provide in manner thereby prescribed for the repayment to such sub-inspectors of the

Amendment of 14 & 15 Vict. c. 85, s. 4, as to payment of expenses incurred in conveying prisoners, &c.

A.D. 1876.

—

several sums payable to them upon such accounts out of funds provided by grand jury presentments :

And whereas it is expedient to transfer to the secretaries of the several grand juries in Ireland, as and from the first day of April one thousand eight hundred and seventy-seven, the duties and powers imposed and conferred upon the said several boards of superintendence by the above-recited fourth section of the said Act; therefore from and after the said *first day of April one thousand eight hundred and seventy-seven* all the powers and duties conferred or imposed on the several boards of superintendence, and each of such boards, and on any member or members of the same, by the provisions of the said section shall cease to be exercised or performed by them respectively ; and from and after the said *first day of April one thousand eight hundred and seventy-seven* all such powers and duties shall be transferred to and vested in and enjoyed, exercised, and performed in each county in Ireland by the secretary of the grand jury of such county ; and all acts, matters, and things in relation thereto authorised or required to be done with respect to such county under the authority of the said section by the said boards of superintendence, or any of them, or any member or members of the same, shall be done by such secretary, with all the like consequences and effects in all respects as if the said secretary had been mentioned in the said section instead of the said boards of superintendence, or any of them, or any member or members of the same.

Grand juries
and boards
of superin-
tendence
to discharge
duties, &c.
until 1st
April 1877.

28. Nothing in this Act contained shall be construed to alter or affect the duties and liabilities of grand juries or boards of superintendence with respect to ordinary prisons, or the maintenance thereof, and of the prisoners confined therein until the first day of April one thousand eight hundred and seventy-seven, or with respect to the discharge of all debts due in respect thereof, or with respect to the repayment of moneys advanced on the faith of any presentment or presentments for the building, altering, or enlarging of ordinary prisons or otherwise with respect thereto ; and up to that day they shall respectively perform all such duties and discharge such liabilities and keep all such ordinary prisons and all buildings connected therewith in good and substantial repair, and up to and after such day until such debts and liabilities shall be discharged and such moneys shall be repaid, they shall pay off and satisfy all such debts and liabilities and pay all such moneys which, in the ordinary course, and but for this Act, should be by them paid or satisfied, and they shall provide for the payment or satis-

fraction of the same in like manner in every respect as if this Act had not been passed, and shall for such purpose make any and all presentments, and do all acts, matters, and things, and raise all moneys which may be necessary, and which, but for the passing of this Act, they should have made, done, or raised.

A.D. 1876.

Nothing in this Act contained shall affect any right or claim of any creditor of a grand jury or board of superintendence under any contract legally made, or in respect of any dealing legally had under the Prisons Acts and this Act before the first day of April one thousand eight hundred and seventy-seven, and between such creditor and the grand jury or board of superintendence of which he is a creditor, such contract shall be valid and may be enforced.

General saving of rights of creditors.

29. Where any contract entered into before the fifteenth day of June one thousand eight hundred and seventy-six under the authority of the Prisons Acts in which any grand jury or board of superintendence is concerned, is a continuous contract, to be performed partly before and partly after the first day of April one thousand eight hundred and seventy-seven, such contract shall be deemed to be divisible, and as to so much thereof as is performable before the said first day of April, shall create a debt or obligation to be discharged or performed by the grand jury or board of superintendence concerned therein, and as to so much thereof as is performable after the said first day of April, to create a debt or obligation to be discharged by the General Prisons Board out of moneys provided by Parliament.

Provision as to continuous contracts.

30. All works, matters, and things necessary for the maintenance, repair, rebuilding, enlargement, and improvement of buildings, lands, and premises by this Act transferred to and vested in the General Prisons Board, or for the building of new ordinary prisons, shall be executed and done by the General Prisons Board, according to such general rules as the Commissioners of Her Majesty's Treasury may from time to time make; and except in accordance with such rules no such works, matters, or things shall be commenced, executed, or done without the special sanction of the Commissioners of Her Majesty's Treasury.

Control of Treasury as to works of maintenance, &c.

Power to alter Condition of Prisons and to close Prisons.

31. Whenever it appears to the Lord Lieutenant upon the representation of the General Prisons Board that any ordinary prison is unnecessary or unfit for the detention of prisoners, or that the same is only necessary or fit for the detention of certain prisoners, it

Power to Lord Lieutenant and Privy Council to alter

A.D. 1876.
 legal condition of ordinary prisons.

shall be lawful for the Lord Lieutenant from time to time to make an order directing that from and after a day to be named in such order such prison shall no longer be a legal place of confinement for the detention of prisoners, and that the same shall be closed, or that the same shall be a legal place of confinement only for certain 5 classes of prisoners specified in such order, and that any part of the same if no longer necessary shall be closed.

Whenever the Lord Lieutenant shall have made any such order, a convict or ordinary prison or prisons shall be named in such order to which prisoners who but for such order would have been confined 10 in such ordinary prison shall be removed or committed, and in which they shall be kept in custody, and any such substituted prison shall, thenceforth and so long as such order is in force for all purposes relating to the committal, detention, trial, and punishment of the prisoners so removed and of the prisoners committed thereto in 15 pursuance of this section be deemed to be a legal place of confinement, and such prisoners shall, during removal to and during such time as they shall be in such substituted prison, be deemed to be in the proper legal custody in every respect, and no such removal shall be deemed an escape. 20

When any such order has been made as aforesaid the General Prisons Board shall cause the same to be published once at least in each of two consecutive weeks in the Dublin Gazette, and once at least in each of two consecutive weeks in some newspaper usually circulating in the county in which the ordinary prison is situate in 25 respect of which such order was made, and every such order shall be of force and effect from the date in such order mentioned, and the production of a printed copy of the Dublin Gazette, purporting to be printed and published by the Queen's authority and containing the publication of such order, shall be conclusive evidence of the 30 making of such order and all such facts and circumstances as were or shall be necessary to authorise the making of such order; and every such order shall be deemed and taken to all intents and purposes whatsoever to have been made in pursuance of and in conformity with the provisions of this Act. 35

Disposal of ordinary prison when such prison is closed.

32. Whenever, in pursuance of any such order as aforesaid, any ordinary prison or any part of any ordinary prison shall be closed, all the estate and interest therein of the General Prisons Board shall, at the expiration of a period of six months from the date of such order, be deemed to be re-transferred to and shall vest in the grand 40 jury commissioners board or trustees from whom the same was transferred to the General Prisons Board by this Act, and the

same may thereafter be sold or disposed of in the manner and subject to the conditions prescribed by the Prisons Acts with respect to old goals and prisons: Provided always, that in case any such prison shall, before the expiration of such period of six months, be
 5 required for the purposes of a reformatory, industrial school, constabulary barrack, lock-up, or any public purpose whatsoever, the General Prisons Board may, with the consent of the Commissioners of Her Majesty's Treasury and subject to the provisions of this Act, and to such conditions as they shall approve, allow
 10 the same to be used for such purposes, and in such case the estate and interest of the General Prisons Board therein shall, so long as such user shall continue, not be re-transferred in manner aforesaid, but shall continue vested in the General Prisons Board.

A.D. 1876.

Alteration of Staff in ordinary Prisons.

- 15 33. The General Prisons Board, in case at any time they shall find the staff of any ordinary prison as prescribed by the Prisons Acts to be insufficient or unsuitable for or in excess of the requirements thereof, may from time to time by order increase, vary, or reduce the same. Every such order shall be subject to the approval
 20 of the Lord Lieutenant and Privy Council, and shall not be of any force or effect until the same shall be so approved; and when so approved, and so long as the same shall be in force, shall be of the same validity as if it had been enacted by this Act; and after such order shall be so approved, and so long as the same shall be in force,
 25 the staff of such prison shall thereafter consist of such officers and servants as shall be specified in such order, anything in the Prisons Acts to the contrary notwithstanding.

Alteration of staff of ordinary prison in certain cases.

Superannuation of persons in office in ordinary Prisons immediately before the first day of April one thousand eight hundred and
 30 *seventy-seven.*

34. If at any time within one year after the first day of April one thousand eight hundred and seventy-seven any ordinary prison is discontinued, or any office in any ordinary prison is abolished, or any officer is retired or removed with a view to the reduction of the
 35 staff of such ordinary prison or otherwise, the grand jury of the county by which such ordinary prison was maintained immediately before the said first day of April one thousand eight hundred and seventy-seven, may allow such annuity by way of compensation, allowance, or gratuity as they think fit to any person who imme-
 40 diately before such first day of April one thousand eight hundred

Discontinuation of prisons and abolition of office within a year after 1st April 1877.

[197.]

B 4

A.D. 1876. and seventy-seven was an officer of such ordinary prison and who, by reason of such discontinuance or abolition, or retirement, or removal, is deprived of any salary or emoluments, so that no such annuity or gratuity exceeds the proportion of the salary and emolument, if any, which might be granted under the provisions of the Superannuation Act, 1859, to a person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs; and any annuity or gratuity so allowed shall, without any application to presentment sessions, or other preliminaries, be presented and paid to the person entitled thereto by such grand jury; but this section shall not prejudice the right of any person to superannuation allowance under any other section of this Act. 5 10

Superannuation of officers and abolition of office after a year.
26 & 37 Vict. c. 51. s. 4.

35. If at any time after the first day of April one thousand eight hundred and seventy-seven it appears to the Commissioners of Her Majesty's Treasury that any person who immediately before such first day of April one thousand eight hundred and seventy-seven was an officer of any ordinary prison has been in the prison service for not less than twenty years, and is not less than sixty years of age, or that any such person has become incapable, from confirmed sickness, age, or infirmity, or injury received in actual execution of his duty, of executing his office in person, and such sickness, age, infirmity, or injury is certified by a medical certificate, and there shall be a report of the General Prisons Board testifying to his good conduct during his period of service under them, and recommending a grant to be made to him, the Commissioners of Her Majesty's Treasury may grant to such officer, having regard to his length of prison service, an annuity, by way of superannuation allowance, not exceeding two thirds of his salary and emoluments, or a gratuity not exceeding the amount of his salary and emoluments, for one year. 15 20 25 30

If any office in any ordinary prison is abolished or any officer is retired or removed after the expiration of one year after the first day of April one thousand eight hundred and seventy-seven, any person who immediately before the said first day of April one thousand eight hundred and seventy-seven was an officer of such ordinary prison, and who by reason of such abolition, retirement, or removal is deprived of any salary or emoluments, shall be dealt with in manner provided by the Superannuation Act, 1859, with respect to a person retiring or removed from the public service in 35 40

consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs. A.D. 1876.

"Prison service," for the purposes of this section, means, as respects the period before the first day of April one thousand eight hundred and seventy-seven, service in an ordinary prison, and as respects the period after the said first day of April one thousand eight hundred and seventy-seven, service in such ordinary prison or in any other prison.

Any annuity by way of superannuation allowance or gratuity granted under this section shall be apportioned by the Commissioners of Her Majesty's Treasury, by warrant to be signed by such Commissioners or any two of them, between the period of service before the said first day of April one thousand eight hundred and seventy-seven of the person entitled thereto, regard being had to the amount of salary then paid, and the period of service of such person after the said first day of April one thousand eight hundred and seventy-seven; and so much of such annuity or gratuity as is payable in respect of service before the said first day of April one thousand eight hundred and seventy-seven, in pursuance of any such warrant shall, without application to presentment sessions, or other preliminaries, be presented and paid to the person entitled thereto by the grand jury of the county by which the ordinary prison in which the officer to whom such annuity or allowance is granted was serving immediately before the said first day of April one thousand eight hundred and seventy-seven was at such time maintained, and the residue shall be paid out of moneys provided by Parliament.

36. Where any moneys shall be payable by any grand jury to any person who before the first day of April one thousand eight hundred and seventy-seven was an officer of any ordinary prison in respect of any annuity or gratuity under the provisions of this Act, such grand jury shall from time to time provide for the payment of the same out of the same funds and in like manner in every respect as if the person to whom such annuity or gratuity shall have been awarded had continued to be an officer of such ordinary prison, and as if such moneys were salary payable by the grand jury to such person as such officer as aforesaid, and this Act had not been passed; and for such purpose such grand jury shall make all such presentments and do all such acts, matters, and things as may from time to time be necessary, and shall, notwithstanding the passing of this Act, in case of default in complying with the provisions of this section, be subject to all the provisions of the Prisons Acts relating to default in the presentment or providing for the payment of salaries of officers of ordinary prisons.

Provision for payment of superannuation or gratuity.

[197.]

C

A.D. 1875.

Power to
improve
prisons and
build new
ones.

Improvement of Prisons.—New Prisons.

37. Where for the purpose of enlarging or improving any ordinary or convict prison or for the purpose of building any new ordinary or convict prison it shall be necessary to acquire any lands, it shall be lawful for the General Prisons Board, with the consent of the Commissioners of Her Majesty's Treasury, to enter into agreements for the acquirement of such lands or to take such lands without entering into such agreements, and for the purposes aforesaid there shall be incorporated with this Act the Lands Clauses Acts; and in the said last-mentioned Acts the terms "the promoters of the undertaking" 10 and "the company" shall for the purpose of such incorporation be deemed to mean the General Prisons Board, and the terms "the undertaking" and "the railway" used therein shall, when necessary, be deemed to mean the works the General Prisons Board are about to execute: Provided always, that the General Prisons Board 15 shall not, except in respect of lands contiguous to a prison, and required for the purpose of enlarging a prison or rendering it more commodious or safe, put in force the provisions of the said Acts with respect to the purchase of land otherwise than by agreement.

Constabulary Lock-up Houses.

20

Lock-ups in
petty sessions
districts.

38. There shall be provided and maintained in every petty sessions district in Ireland in connexion with some constabulary barrack situate therein, a lock-up house sufficient in the opinion of the inspector general of constabulary for the temporary detention of prisoners, not being convicted or sentenced prisoners, within 25 such petty sessions district.

All moneys necessary for providing and maintaining such lock-up houses as aforesaid, shall be repaid by the several counties in Ireland, and the same shall be raised by grand jury presentment off each county to which the same shall be declared by the Lord 30 Lieutenant to relate, and in such proportion as he shall think just.

The amount from time to time payable by each county in pursuance of this section shall be included in the certificates of the expense of constabulary forces to be transmitted from time to time to the secretary of the grand jury of such county under the provisions of the Acts now in force relating to the constabulary force, and such amount shall be presented, levied, and repaid in like manner as any other sum included in such certificate. 35

Removal of Prisoners.

Removal of
prisoners

39. It shall be lawful for the Lord Lieutenant by order under 40 the hand of the chief or under secretary, to direct any person in

prison in Ireland under sentence of any court, or of any competent authority for any offence committed by him, to be removed from any prison in which he is confined to any other prison, and there to be imprisoned during his term of imprisonment, and the expenses incurred in such removal shall be defrayed by the General Prisons Board.

A.D. 1876.
from one
prison to
another.

40. Any military prisoner may be sent, removed, or transferred to any convict prison for the purpose of undergoing his sentence, by the same authority and in the same manner in and by which such prisoner might, for such purpose, in pursuance of the Mutiny Act, be sent to any ordinary prison, or removed from one ordinary prison to another, or transferred from a military prison to an ordinary prison; subject, nevertheless, to the provisions of the Convict Prisons Acts as to his freedom from any putrid or infectious distemper, or to his being examined and certified by the medical officer of the convict prison to be fit to be received into the same.

Power to
remove
military
prisoners.
32 & 33 Vict.
c. 35, ss. 2-4.

Any military prisoner sent, removed, or transferred to any convict prison in pursuance of this Act shall, during his continuance in such prison, be subject to the Convict Prisons Acts, in the same manner as if he were a convict; and the said prison shall be deemed to be a prison for the punishment of prisoners sent, removed, or transferred thereto in pursuance of this section; and it shall be lawful for one of Her Majesty's Principal Secretaries of State to make regulations with respect to the treatment of military prisoners who may be confined in such prison, but, until such regulations are made, such prisoners shall be subject to the regulations for the time being applicable to convicts in such prison.

Before any military prisoners are received into such convict prison, the Commissioners of the Treasury shall determine the rate to be charged for the maintenance of such prisoners, and out of what funds such rate is to be defrayed.

Any military prisoner may be discharged from such convict prison or delivered over to military custody out of the same prison, in the same manner and by the same authority in and by which he might be discharged or so delivered under the Mutiny Act from a public prison other than a military prison.

In the construction of this section the term "Mutiny Act" shall mean any Act for the time being in force for punishing mutiny and desertion, and for the better payment of the army and their quarters.

The term "military prisoner" shall mean any person subject to imprisonment by or in pursuance of the sentence of any court-martial, passed either before or after the passing of this Act.

A.D. 1876.

*Jurisdiction
over prison.
28 & 29 Vict.
c. 125, s. 57.
Custody of
prisoners.
28 & 29 Vict.
c. 125, s. 58.*

41. Every prison wheresoever situate, shall for all purposes be deemed to be within the limits of the place for which it is used as a prison.

42. Every prisoner confined in any prison to which this Act applies shall be deemed to be in the legal custody of the governor 5 or keeper of the same: Provided that nothing in this Act contained shall affect the jurisdiction or responsibility of the sheriff in respect of prisoners under sentence of death, or his jurisdiction or control over the prison where such prisoners are confined, and the officers thereof, so far as may be necessary for the purpose of 10 carrying into effect the sentence of death, or for any purpose relating thereto; and in any prison in which sentence of death is required to be carried into effect on any prisoner, whether such prison is or is not the common gaol of the county, the sheriff shall, for the purposes of carrying the sentence into execution, be deemed 15 to have the same jurisdiction with respect to such prison as he has by law with respect to the common gaol of a county, or would have had if this Act had not passed.

*Description
of prison in
writ.
28 & 29 Vict.
c. 125, s. 61.*

43. Any writ, warrant, or other legal instrument addressed to the governor or keeper of a particular prison, describing the prison by 20 its situation or other definite description, shall be valid, by whatever title such prison is usually known, or whatever be the description of the prison, whether convict prison or ordinary prison.

*Removal of
prisoners
for trial.
28 & 29 Vict.
c. 125, s. 63.*

44. A prisoner may be brought up in cases of adjournments and remands, and for trial, by or under the direction of the governor or 25 keeper of the prison in which he is detained, or any member of the constabulary force or Dublin metropolitan police duly authorised by such governor or keeper, and a prisoner may be removed from any prison by or under the direction of the governor or keeper of such prison, or any member of the constabulary force duly autho- 30 rised by such governor or keeper, from any one prison to another to which such prisoner may be legally removed, for the purpose of undergoing his sentence, and no prisoner whilst in the custody of any such governor or keeper or any member of the constabulary force duly authorised by such governor or keeper shall be deemed 35 to have escaped, although he may be taken into different jurisdictions or different places of confinement.

*Nothing to
interfere
with removal
by court of
law.*

45. Nothing in this Act contained relating to the removal of prisoners shall affect the power possessed by any court of law to direct the removal of any prisoner to be carried out by any officer 40 of such court or other officer of the law.

Discharge of Prisoners.

A.D. 1876.

46. Any prisoner confined in a prison whose term of imprisonment would, according to his sentence, expire on any Lord's Day, shall be entitled to his discharge on the Saturday next preceeding such Lord's Day; and the governor of every prison having the custody of any such prisoner as aforesaid is hereby required and authorised to discharge such prisoner on the Saturday next preceeding any such Lord's Day.

When term of imprisonment expires on Sunday, prisoner to be discharged on preceeding day.

28 & 29 Vict. c. 125, s. 41.

47. The Chief Secretary, upon the application of any one or more member or members of any society formed for the purpose of finding employment for discharged prisoners, and enabling them by loans and grants of money to live by honest labour, and after examining the rules of such society, and receiving such evidence as he thinks fit as to the condition of such society, may issue a certificate under his hand to the effect that such society is approved by him for the purposes of this Act, and he may subsequently at any time, upon due cause shown, by a writing under his hand, revoke or suspend such certificate, and any society in respect of which such certificate as aforesaid has been granted and remains in force shall be deemed to be a "Certified Prisoners Aid Society," and to be entitled to such privileges as are herein-after mentioned.

Power to Chief Secretary to grant certificates to Prisoners Aid Societies, and to revoke or suspend the same.

48. Where any prisoner is discharged from prison, the General Prisons Board may, in addition to any sums by law payable to such prisoner, order a sum of money not exceeding two pounds to be paid out of any moneys under their control, and applicable to the payment of the expenses of the prison, by the governor to the prisoner himself, or to the treasurer of a certified Prisoners Aid Society, on his receiving from such society an undertaking in writing, signed by the secretary thereof, to apply the same for the benefit of the prisoner, or, if that becomes impossible, repay the same to the General Prisons Board.

Allowance to discharged prisoners.

28 & 29 Vict. c. 125, s. 42.

49. When a prisoner is discharged from prison the General Prisons Board may provide such prisoner, out of any moneys voted by Parliament for the purpose, with the means of returning to his home by causing his fare to be paid by railway, or in any other convenient manner.

Discharged prisoners provided with means of returning to place of settlement.

28 & 29 Vict. c. 125, s. 43.

Miscellaneous.

50. A visiting committee shall from and after the first day of April one thousand eight hundred and seventy-seven from time to time be appointed for every ordinary prison to which this Act

Visiting committees.

[197.]

C 3

A.D. 1876. applies, consisting of such number of persons being justices of the peace as having regard to the locality of such ordinary prison and to the class of prisoners to be confined in such prison, may from time to time be determined by the Lord Lieutenant and Privy Council.

The persons so from time to time appointed a visiting committee shall continue to act as such during such time as may be determined by the Lord Lieutenant and Privy Council, and any person ceasing by effluxion of time to continue a member of such visiting committee may be reappointed to such office.

Where a visiting committee, or part of a visiting committee, is to be chosen by the justices of a county, or division of a county, such visiting committee, or such part of such visiting committee, shall be chosen by the justices of the peace at such general or quarter sessions as may from time to time be prescribed by the Lord Lieutenant and Privy Council. Borough justices, when authorised to appoint members of a visiting committee, shall hold special sessions for the purpose of making such appointments at such times as may from time to time be prescribed by the Lord Lieutenant and Privy Council.

Duties of
visiting
committee.

51. A visiting committee shall conform to any rules made by the Lord Lieutenant and Privy Council, but subject as aforesaid, the members of such committee shall from time to time and at frequent intervals visit the prison for which they are appointed, and hear any complaints which may be made to them by the prisoners. They shall report on any abuses within the prison, and also, if they think it necessary so to do, on any repairs which may be urgently required in the prison, and shall further take cognizance of any matters of pressing necessity, and within the powers of their commission as justices.

The visiting committee may exercise any powers vested in any justice, being a member of a board of superintendence under the Prisons Acts, with respect to the punishment of prisoners.

The visiting committee shall report as soon as may be to the Chief Secretary, and in such manner as he may direct, any matters with respect to which they may consider it expedient, or may be required by the Chief Secretary to report.

Employment
of prisoners
sentenced to
imprisonment
without hard
labour.

52. Due provision shall be made in every ordinary prison by the General Prisons Board for the employment of prisoners sentenced to imprisonment without hard labour and confined in such prisons respectively, and the nature and amount of such employment shall be defined by rules to be made under this Act.

53. The General Prisons Board shall cause provision to be made in such ordinary prison or prisons as they shall think proper, so that prisoners convicted of misdemeanor and not sentenced to hard labour shall be divided into at least two divisions, one of which shall be called the first division, and whenever any person convicted of misdemeanor is sentenced to imprisonment without hard labour it shall be lawful for the court or judge before whom such person has been tried to order, if such court or judge think fit, that such person shall be confined during his sentence in such ordinary prison or in some one of such ordinary prisons, and be there treated as a misdemeanant of the first division, and a misdemeanant of the first division shall be treated in accordance with such rules as may from time to time be made in that behalf under the provisions of this Act.
54. In case any person enjoying any superannuation allowance or compensation upon the abolition of office under the authority of this Act shall be appointed to fill any office remunerated wholly or partly out of local rates, or any office in any public department, every such allowance or compensation shall cease to be paid for any period subsequent to such appointment, if the annual amount of the profits of the office to which he shall be appointed shall be equal to those of the office formerly held by him, and in case they shall not be equal to those of his former office, then no more of such superannuation allowance or compensation shall be paid to him than with the salary of his new appointment shall be equal to that of his former office.
55. Nothing in this Act contained relating to the custody of prisoners shall affect the validity of any commission of gaol delivery, commission of oyer and terminer, or other commission, precept, writ, warrant, or other document, notwithstanding the same may be addressed to or make mention of the sheriff of any county, city, or place, instead of being addressed to or making mention of the governor of a prison or prisons; and every such commission, precept, writ, warrant, or other document shall be obeyed by the governor and take effect in the same manner as if the governor had been named therein instead of the sheriff.

A.D. 1876.

Division of prisoners in ordinary prison.

Conditions of pension.

Serving as to commissions.

A

B I L L

To alter and amend the Law relating to
Prisons in Ireland.

(*Prepared and brought in by
Sir Michael Ritchie-Moore and Mr. Scutcheon
General for Ireland.*)

*Introduced by The House of Commons, to be Printed,
15 June 1878.*

[1871 197.]

Under 4 oz.